

REMARKS

I. Restriction

The Examiner has issued a Restriction Requirement and requires Applicants to elect invention (I) claims 1-29 and 32-41 drawn to methods of use; invention (I) claim 30 drawn to a cigarette filter; or invention (III) claim 31 drawn to a gum or lozenge.

Applicants hereby elect without traverse invention (I), claims 1-29 and 32-41.

Applicants reserve the right to pursue unelected subject matter in one or more continuation or divisional applications.

The Examiner further requires an election of a species from the following patentable distinct species: preventing micronuclei formation in the subject's bone marrow cells, preventing micronuclei formation in the subject's blood cells, or increasing dynamic lung compliance.

Applicants elect the species of increasing dynamic lung compliance.

Applicants believe claims read on the elected species.

Applicants note that claims 1-29 and 32-41 have been cancelled in favor of new claims 42-100. Applicants believe that new claims 42-100 are drawn to the invention of group (I), *i.e.*.. methods for ameliorating or preventing damage caused by cigarette smoke.

II. The Amendments to the Claims

The present paper presents an amendment to the claims cancelling claims 1-41 and presenting new claims 42-100 for consideration. Claims 1-41 are cancelled without prejudice to Applicant's right to pursue the cancelled subject matter in one or more related continuation, continuation-in-part, or divisional applications.

New claims 42-100 are fully supported by the application as filed and therefore present no new matter. Specific support for new claims 42, 68, and 69 may be found, for example, in paragraphs 8-10, 13, of the application as filed and in claim 1 as filed. Specific support for new claims 43 and 70 may be found, for example, in claims 3 and 7 as filed. Specific support for new claims 44 and 71 may be found, for example, in claim 8 as filed. Specific support for new claims 45 and 72 may be found, for example, in claims 1 and 5 as filed. Specific support for new claims 46 and 73 may be found, for example, in claims 1 and 6 as filed. Specific support for new claims 47-50 and new claims 74-77 may be found, for example, in claims 9-12, respectively, as filed.

Specific support for new claims 51-61 new claims 78-87 may be found, for example, in paragraphs 19, 22, and 23 of the application as filed. Specific support for new claims 62-67 new claims 88-93 may be found, for example, in paragraphs 14, 23, and 24 of the application as filed.

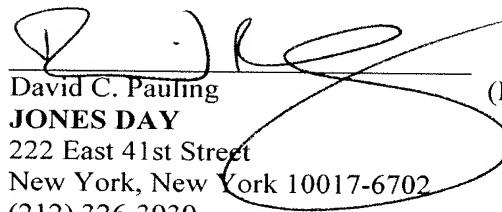
Specific support for new claims 94 may be found, for example, in claim 32 as filed. Specific support for new claim 95 may be found, for example, in claim 34 as filed. Specific support for new claim 96 may be found, for example, in claim 33 as filed. Specific support for new claims 97-100 may be found, for example, in paragraphs 14, 23, and 24 of the application as filed.

CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner consider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 650.739.3949, if a telephone call could help resolve any items prior to issuance of a first Office Action.

Respectfully submitted,

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David C. Pauling (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939